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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,690	09/19/2003	Randy B. Reynolds	7655.C4	1404
7590 04/02/2004			EXAMINER	
Mr. Lynn G. Foster 602 East 300 South Salt Lake City, UT 84102			SILBERMANN, JOANNE	
			ART UNIT	PAPER NUMBER
			3611	
DATE MAILED: 04/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/666,690	Applicant(s) REYNOLDS ET AL.	
	Examiner Joanne Silberman	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9, 10, 13-18, 20 and 23-66 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 13-18, 20, 23-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9-19-03</u>   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slavsky et al. US #2,787,433.

3. Slavsky et al. teach a cantilevered advertising system extending into an aisle comprising removable advertising display 17 connected to hanger 10 in a pivotable relationship (Fig. 2), and a clamping mechanism (Fig. 1) for holding the display on an aisle molding. Slavsky does not teach the particular steps for assembling the display, however, the method steps of the instant claims would have been obvious to a person having ordinary skill in the art given the structure of Slavsky et al.

4. Claims 1-5, 10, 13, 14, 28-35, 37, 38, 40-47, 49-56, 60-62 and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slavsky et al. in view of Sernovitz, US #4,317,303.

5. Slavsky et al. teach a point-of-purchase advertising display system including an exchangeable display held in frame 17, intermediate hanger 22 (Fig. 1) which is pivotable, intermediate mounting base 10, and clamping portion 2, 3 engaging molding strip 4. Return mechanism (oppositely wound, concentric coil springs) 20, 21 extends between the hanger and the mounting base.

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6. Slavsky et al. do not teach the display portion as including an electrical lighting system, however, such displays are well known in the art. Sernovitz teaches an illuminated display device (for use on racks of shelving, column 1 line 7) including light elements 25 (having power source 26 and required circuitry) around display 50. It would have been obvious to a person having ordinary skill in the art to utilize the lighted display of Sernovitz in the mount of Slavsky et al. to provide an illuminated display that is easier to see and which will attract the attention of consumers, which is the purpose of point-of-purchase displays.

7. Regarding claim 3, the frame is detachably connected to the hanger.

8. Regarding claim 4, the illumination is carried by frame 11 in Sernovitz.

9. Regarding claim 10, removable connector 16 joins the frame and the hanger.

10. Regarding claim 29, Slavsky et al. do not teach a plurality of connectors, however, it would have been obvious to one of ordinary skill in the art to utilize as many of the connectors as necessary to retain the frame in place. Duplication of the essential working parts of a device is within ordinary skill in the art.

11. Regarding the method claims, Slavsky et al. do not particularly teach method steps, however, the method steps of the instant claims would have been obvious to one of ordinary skill in the art given the structure of Slavsky et al. (as modified by Sernovitz).

12. Regarding claim 64, the ends of lugs 11 and 12 prevent twisting of the display.

13. Claims 1-5, 10, 16-18, 20, 28-33, 37, 38, 40, 41, 43-47, 49, 51, 61, 62, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al. US #4,909,464 in view of Sernovitz.

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14. Levine et al. teach a point-of-purchase cantilevered display including advertising portion 18 held in frame 22, hanger 40, mounting base 70 and clamping portion 72, 74. Return mechanism (male/female connectors) 60, 62 extends between the hanger and the mounting base member.

15. Levine et al. do not teach an electrical lighting system, however, this is well known in the art, as shown by Sernovitz (as discussed above). It would have been obvious to one of ordinary skill in the art to utilize the illumination of Sernovitz on the display of Levine et al. to provide a display that will attract more consumers, which is the purpose of point-of-purchase displays.

16. Regarding claim 28, the frame is attached by removable hangers at 64 (Fig. 1).

17. Regarding the method claims, Levine et al. do not teach any particular method steps, however, the methods of the instant claims would have been obvious to one of ordinary skill in the art given the structure of Levine et al. (as modified by Sernovitz).

18. Claims 23-26, 39 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Slavsky et al. '433 OR Levine et al. as combined with Sernovitz as applied to claims 2 and 40 above, and further in view of Garfinkle, US #4,881,707.

19. Neither Slavsky et al. '433 (as modified by Sernovitz) nor Levine et al. (as modified by Sernovitz) teaches an adjustable cam for adjusting the presentation angle of the display. Such an adjustment, however, is well known in the art, as shown by Garfinkle. Garfinkle teaches a cantilevered point-of-purchase display including cam 20 for adjusting the angular orientation of the display. It would have been obvious to one of

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ordinary skill to utilize such a cam in the device of Slavsky et al. or Levine et al. (as modified above) so that the display may be set at any desired angle.

20. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slavsky et al. '433 OR Levine et al. as combined with Sernovitz as applied to claim 2 above, and further in view of Kornelson, US #4,924,363.

21. Slavsky et al. and Levine et al. (as modified) do not teach an access door or the use of LEDs. Both, however, are known in the art. Kornelson teaches an attention attracting device for use on a supermarket shelf which includes access door 16 over power source 24. It would have been obvious to one of ordinary skill to utilize such a door over a power source in the illumination means of Sernovitz so that the power source may be easily accessed and changed if necessary. It also would have been obvious to utilize LEDs as a light source since it is well known that LEDs are efficient, long lasting light sources.

22. Claims 15 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slavsky et al. '433 and Sernovitz as applied to claims 13 and 35 above, and further in view of Poole, US #1,367,830.

23. Slavsky et al. '433(as modified) does not teach a strap extending through the coil springs, however, this is well known in the art. Poole teaches a coil spring having strap 17 in the center thereof. It would have been obvious to one of ordinary skill to utilize such a strap so as to hold the display in place, as taught by Poole.

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24. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Levine et al. and Sernovitz as applied to claim 2 above, and further in view of Hembd et al. US #3,015,177.

25. Levine et al. (as modified) does not teach a clamp including a fixed portion and a slider portion, however, such clamps are well known. Hembd et al. teach a clamp including fixed portion 27 and slider portion 28. It would have been obvious to one of ordinary skill to utilize such a clamp so that the display may be mounted on variously sized moldings.

26. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slavsky et al. '433 in view of Ramsay, US #4,682,430.

27. Slavsky et al. '433 teach a display including frame 17 which extends into a shopping aisle. Slavsky et al. '433 do not teach a transparent pocket disposed in the frame and receiving a card. This, however, is old and well known in the art. Ramsay teaches a price support including transparent pocket 20a having openings for receiving cards 21. The pocket is inserted through an opening in the frame (Fig. 2) by means of tab 34a. It would have been obvious to one of ordinary skill to utilize such a frame in the device of Slavsky et al. to provide an easily changeable display.

28. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slavsky et al. '433 and Ramsay as applied to claim 57 above, and further in view of Sernovitz.

29. Slavsky et al. '433 and Ramsay do not teach illumination means, however, this is well known. It would have been obvious to utilize an illumination means (as shown by

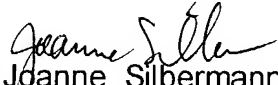
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Sernovitz) on the sign of Slavsky et al. '433 (as modified by Ramsay) to create a display that will attract the attention of more consumers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Joanne Silbermann  
Primary Examiner  
Art Unit 3611

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